

ANN BAVENDER*
ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
RICHARD J. ESTEVEZ
PAUL J. FELDMAN
ERIC FISHMAN
RICHARD HILDRETH
FRANK R. JAZZO
ANDREW S. KERSTING*
KATHRYN A. KLEIMAN
EUGENE M. LAWSON, JR.
HARRY C. MARTIN
J. TODD METCALF*
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
KATHLEEN VICTORY
HOWARD M. WEISS
* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW
11th FLOOR, 1300 NORTH 17th STREET
ROSSLYN, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

office@fh-h-telcomlaw.com

FRANK U. FLETCHER
(1939-1985)
ROBERT L. HEALD
(1956-1983)
PAUL D.P. SPEARMAN
(1936-1962)
FRANK ROBERSON
(1936-1981)
RUSSELL ROWELL
(1948-1977)

RETIRED
EDWARD F. KENEHAN

CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)

OF COUNSEL
EDWARD A. CAINE*
JOHN JOSEPH SMITH*

WRITER'S DIRECT

RECEIVED

October 15, 1997

OCT 15 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, D.C. 20554
Attention: Allocations Branch

DOCKET FILE COPY ORIGINAL

Re: MM Docket 97-186
RM-9130
Canton and Glasford, Illinois

Dear Mr. Caton:

Transmitted herewith, on behalf of Neil A. Rones and Luann C. Dahl, permittee of a new FM broadcast station on Channel 266A at Canton, Illinois (File No. BPH-951011MA), are an original and four copies of their "Comments" in the above-referenced proceeding, whereby the Commission has proposed to reallocate Channel 266A from Canton to Glasford, Illinois, and modify the outstanding construction permit to specify the new community.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.

Frank R. Jazzo
Frank R. Jazzo
Counsel for Neil A. Rones and Luann C. Dahl

Enclosures

File of Copies rec'd
10/15/97

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED

OCT 15 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 97-186
Table of Allotments,)	RM-9130
FM Broadcast Stations.)	
(Canton and Glasford, Illinois))	

COMMENTS

Neil A. Rones and Luann C. Dahl ("Rones & Dahl"), permittee of Channel 266A in Canton, Illinois (BPH-951011MA), hereby respectfully submit their Comments in response to the Commission's Notice of Proposed Rule Making, DA 97-1774, released August 25, 1997 ("NPRM"), which proposes that Channel 266A be reallocated from Canton, Illinois, to Glasford, Illinois, as that community's first aural service, and that the Rones & Dahl construction permit be modified to specify operation at Glasford. With respect thereto, the following is submitted:

1. In response to a Petition for Rule Making submitted by Rones & Dahl, the NPRM proposes the re-allotment of Channel 266A to Glasford as that community's first local broadcast transmission service.

2. Glasford, Illinois, is a thriving community in need of its own local broadcast transmission service. The Village of Glasford had a 1990 population of 1,115 persons, according to the United States Census Bureau. The Village has its own local government with a Mayor and City Council for its local government and has a Village Hall building to serve its citizens. Glasford has a Post Office and its own Zip Code, 61533.

3. Glasford, Illinois, maintains both water and sewer plants to serve the municipality. Telephone service is provided to the citizens of Glasford by the Glasford Telephone Company. Glasford has a Public Library, a Public Municipal Park, and provides public safety through a Volunteer Fire Department with over 20 firefighters and a Police Department with nine officers.

4. Education of the citizens of Glasford is provided by an Elementary School (Lancaster West Elementary School), a Middle School (Glasford Middle School), and a High School (Illini Bluffs High School). Glasford is home to numerous businesses, banks, churches, and civic organizations and has all of the attributes normally associated with a Midwestern city.

5. The re-allotment of Channel 266A from Canton, Illinois, to Glasford, Illinois, would result in a preferential arrangement of allotments under the Commission's FM allotment priorities, as it would provide a first local transmission service to Glasford without removing the sole local service from Canton.¹ While Glasford currently has no local aural service, Canton now is the city of license of WBYS(AM), WBYS-FM, the Rones & Dahl Construction Permit for Channel 266A, and is the subject of a Notice of Proposed Rule Making (RM-8894), 11 FCC Rcd 14464 (M.Med.Bur. 1996) to add a fourth local service.

6. The re-allotment of Channel 266A from Canton to Glasford is also a preferable allotment² as the 60 dBu contour of a Glasford station would provide service to substantially more people. As set forth in the attached Engineering Statement, from the requested allotment

¹ See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91 (1982).

² Id.

reference co-ordinates, the proposed facility would provide a net increase in population of 81,024 persons over the BPH-951011MA construction permit facility. The area which would lose service as a result of this proposal has a population of only 8,754 persons. Thus, over nine times as many people would gain service as would lose service. As demonstrated in the attached engineering statement, the entire loss area is well served by other aural broadcast services. Moreover, as the change in community involves a construction permit rather than a licensed facility, the community of Canton would not lose any actual service. Thus, the loss area is less significant than would be the case if an established, operating station were involved. *Woodville and Liberty, Mississippi; Clayton and Jena, Louisiana*, 11 FCC Rcd 4712 (M.Med.Bur. 1996).

7. Thus, the proposed re-allotment to Glasford meets all of the requirements for a change in community of license as set forth in *Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094 (1990). As set forth above, this proposal would serve the Commission's FM allotment priorities by providing a first local transmission service to Glasford and by providing new service to an increased number of persons, with only a small number of persons experiencing a loss of potential service.

8. Glasford is an independent community not located within any urbanized area. While Glasford is located in Peoria County, Illinois, it is not located within the Peoria Urbanized Area as established by the United States Census Bureau. In addition, the proposed Glasford allotment would provide neither 60 dBu coverage of 100 percent of the Peoria Urbanized Area nor 70 dBu coverage of 50 percent or more of the Urbanized Area. Thus, Glasford may be presumed to be an independent community worthy of a first local service preference. *Greenfield and Del Rey Oaks, California*, 11 FCC Rcd 12681 (M.Med.Bur. 1996); *Headland, Alabama and*

Chattahoochee, Florida, 10 FCC Rcd 10352 (M.Med.Bur. 1995). Furthermore, Glasford has other attributes which demonstrate its independence from the Peoria Urbanized Area, such as its own police and fire protection, municipal government, water and sewer services, and telephone company. Thus, the proposed Glasford allotment must receive a first local service preference.

9. In sum, the proposed re-allotment of Channel 266A to Glasford, Illinois, would result in a preferential arrangement of the FM Table of Allotments. The community of Glasford would receive its first local broadcast transmission service. The station would serve a significantly greater number of persons, with a loss of future service to only a small population. Assuming the re-allotment were permitted, Canton would still have two local broadcast transmissions services, and a third service if RM-8894 is adopted.

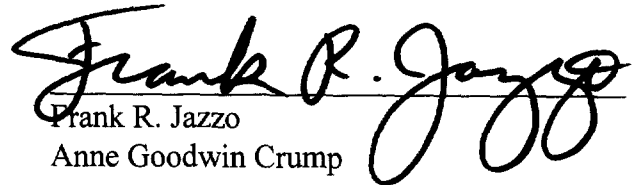
10. If the proposed reallocation of Channel 266A to Glasford is made as requested, Rones & Dahl reaffirm their commitment to promptly prepare and file an application for modification of their construction permit to reflect the new community. Upon grant of the construction permit, Rones & Dahl will expeditiously construct and place into operation their proposed station.

11. WHEREFORE, the premises considered, Rones & Dahl respectfully requests that Channel 266A be reallocated from Canton, Illinois, to Glasford, Illinois, and that their construction permit be modified to specify operation at Glasford.

Respectfully submitted,

NEIL A. RONES AND LUANN C. DAHL

By:


Frank R. Jazzo
Anne Goodwin Crump

Their Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street, 11th Floor
Rosslyn, Virginia 22209
(703) 812-0400

October 15, 1997

agc#99/comnts.r&d



WHEELER BROADCAST CONSULTING

Engineering Statement

Comments in RM-9130

This consultant has been retained by Neil A Rones and Luann C. Dahl (Rones and Dahl) for the purpose of preparing technical support to its comments in RM-9130. Rones and Dahl are the permittees of a Channel 266A construction permit at Canton, Illinois and, through RM-9130, they are seeking to amend 47 CFR 73.202(b) so as to reallocate Channel 266A from Canton, Illinois to Glasford, Illinois as that community's first local service.

In its issuance of the Notice of Proposed Rule Making, the Commission requested information on the gain and loss¹ areas of service and any overall benefits that would be derived by the reallocation². In order to provide such information, this consultant plotted the 60 dBu contours of both BPH-951011MA and the reference facilities of the proposed Glasford substitution³ on a digitally generated map. A copy of that map is included in Exhibit 1 of this report.

Comparative Service Area

From Exhibit 1 the gain and loss areas were scaled and it was found that the loss area would encompass an area of 642.7 km² and that the gain area would encompass an area of 628.2 km², a difference of 14.5 km² or 0.59% of the coverage area of BPH-951011MA. This *de-minimus* difference is due to slight differences in terrain elevation when analyzed over 360 equally spaced radials.

6025 MARTWAY
SUITE 112
MISSION, KS 66202
913.362.7282
913.362.7287

¹ As The Channel 266 Construction Permit (BPH-951011MA) has not been constructed there is, in fact, no true loss of service. For the purpose of this study, area that would have received service from BPH-951011MA that would not now receive such service is referred to as loss area.

² See Notice of Proposed Rule Making at ¶5.

³ The reference coordinates for Channel 266A at Glasford are N 40° 34' 20" by W 89° 48' 47", reference facilities were based on a model Class A facility operating with 6 kW ERP at 100m HAAT.

Additional Aural Services in Gain and Loss Areas

Neither the gain area nor the loss area are underserved. Exhibit 2 of this report is a digitally generated map that highlights the loss area and shows the relevant arcs of 17 additional aural services that are available to all or a significant part of the loss area⁴. Exhibit 3 is also a digitally generated map that highlights the gain area and shows the overlapping contours of an additional 13 aural services⁵. Exhibits 2 and 3 conclusively demonstrate that no area would be left unserved or underserved as a result of the proposed reallocation.

Detailed Population Analysis

Exhibits 4 and 5 are minor civil subdivision maps that include the 60 dBu service contours of both BPH-951011MA and the proposed Glasford substitution. From those maps the population in both the loss and gain area were calculated. The loss area has an estimated population of 8,754 persons according to the 1990 US Census and the gain area has a population of 89,778 persons according to that same census.

⁴ The 17 additional aural services do not represent all of the available services, only a sufficient number to demonstrate, beyond doubt, that the area would not be considered either white or gray. No community contained, in whole or in part, in the loss area has a population in excess of 2,500 persons according to the 1990 US Census. As such, in accordance with 47 CFR 73.182(d), the 0.5 mV/m contour was used in determining the coverage of overlapping AM services.

⁵ As was the case with Exhibit 2, the 13 additional services do not represent all available services in the gain area. Several cities in the gain area have populations in excess of 2,500 persons and, as such, the 2 mV/m contour was used in predicting the service contours of overlapping AM facilities.

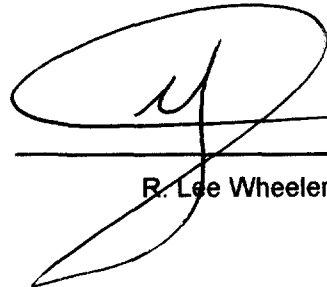
Methodology

All FM service contours contained in this report were predicted in accordance with 47 CFR 73.313 and terrain information was gathered over 360, equally spaced, radials. The contour prediction algorithm is identical to the Commission's own models. Terrain data was retrieved by a linear interpolation of the NGDC 30 second terrain database. All AM contours were predicted by the equivalent distance method as set forth in 47 CFR 73.184 of the Rules. Conductivity was extracted from a digital model of the M3 conductivity map and all power and all efficiency and pattern information was extracted from the Commission's August 4, 1997 AM database. All determinations of area, including areas encompassed within minor civil census subdivisions, were made by employing a K&E model 620000 polar planimeter. Census data was retrieved from the Census Bureau's internet home page⁷ and data was drawn from the STF-3A data tables.

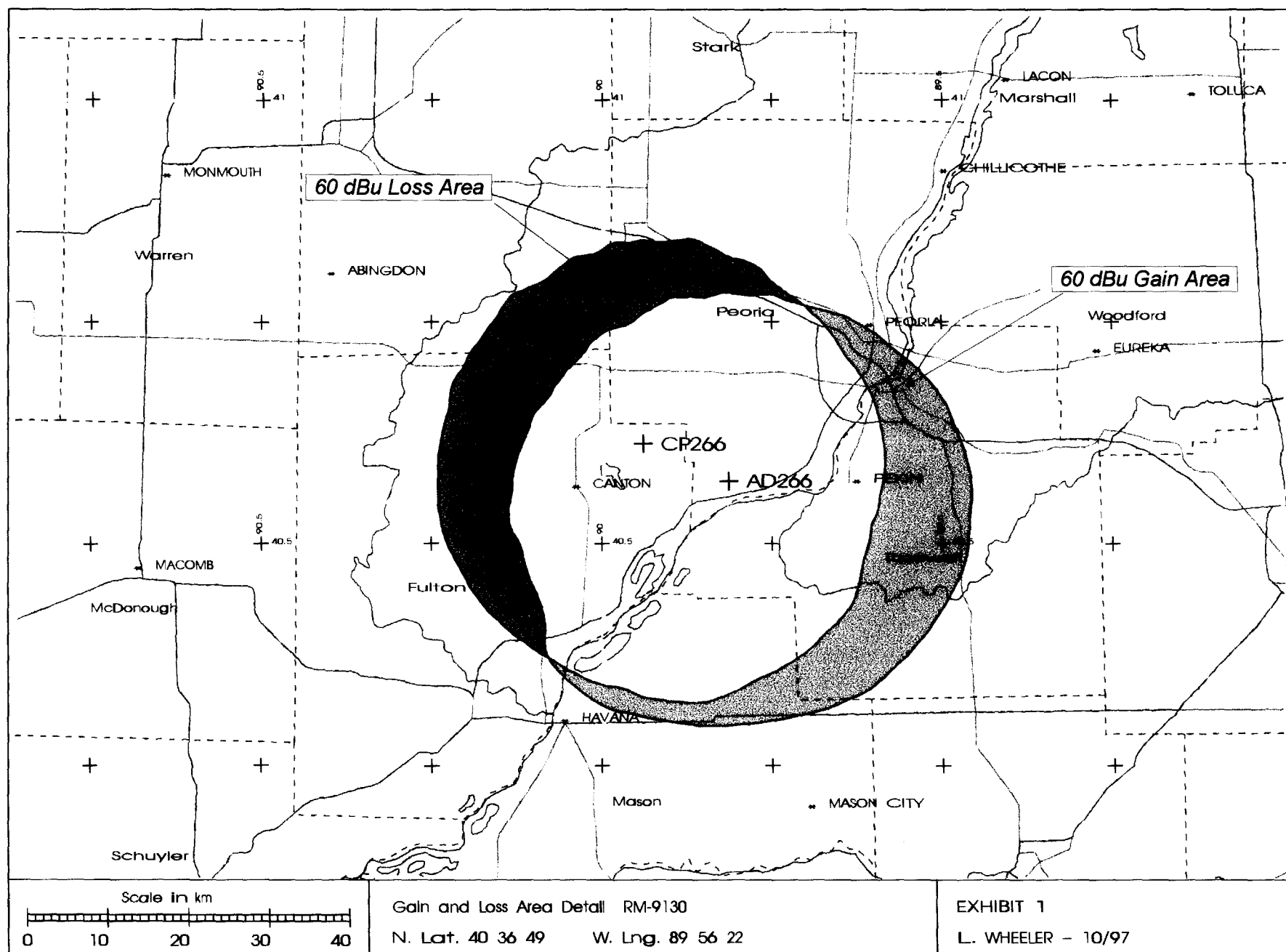
Certification

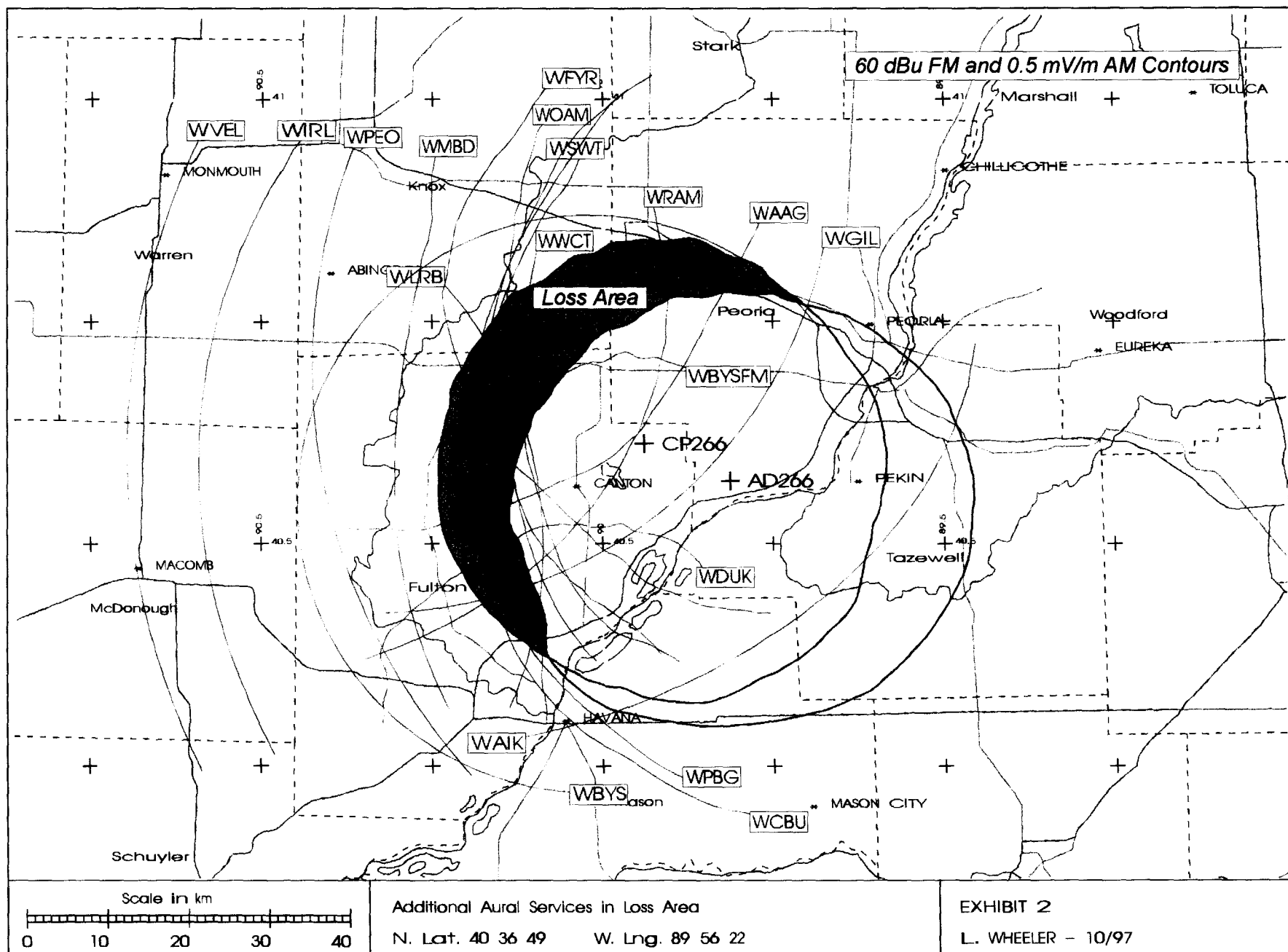
All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

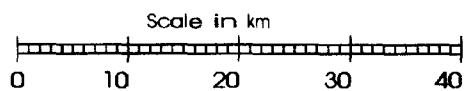
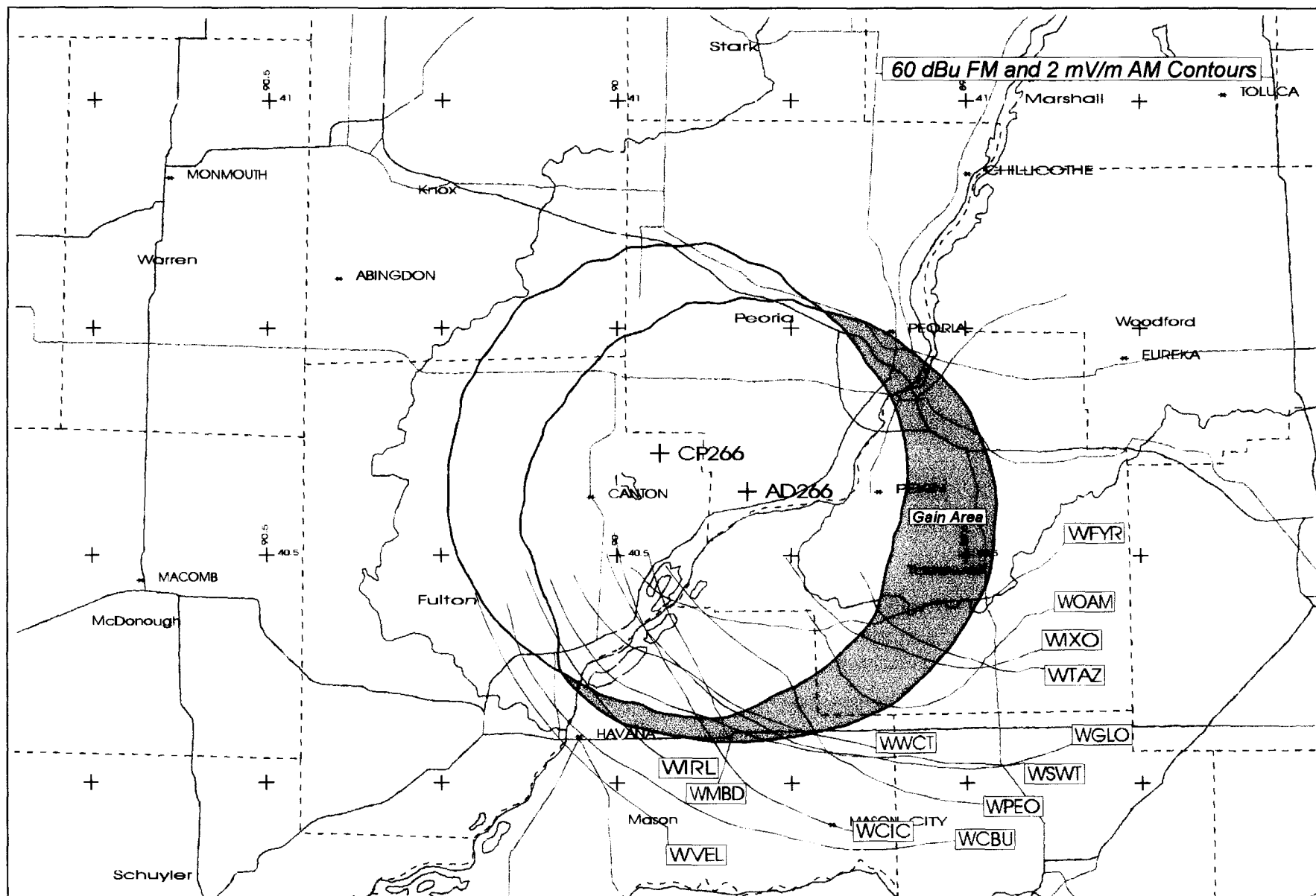
10/10/97
Date


R. Lee Wheeler

⁷ The address of the Census Bureau's Homepage is www.census.gov.







Additional Aural Services in Gain Area
 N. Lat. 40 36 49 W. Lng. 89 56 22

EXHIBIT 3
 L. WHEELER - 10/97

